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Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**

Report of the Secretary-General

Summary

The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was adopted by the General Assembly in 1992. With a view to continuing the promotion of the implementation of the Declaration, the General Assembly, in its resolution 56/162, invited the Secretary-General, inter alia, to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities, and to report to the General Assembly at its fifty-eighth session on the implementation of that resolution, including examples of good practices in the field of education and the effective participation of minorities in decision-making processes.

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There has been increasing attention from the international community on the importance of the protection of minority rights. Among the problems faced by minorities, the non-recognition of identities, social and economic inequality and exclusion from decision-making processes are recognized as root causes of minority-related problems or conflicts. The Office of the United Nations High Commissioner for Human Rights and the Working Group on Minorities have been pursuing regional approaches on minority issues, strengthening international cooperation for the better protection of minority rights, and enhancing international, regional and national systems of minority protection so as to reduce tensions and prevent conflict. The focus identified as central for that purpose is the effective participation of minorities in public life and in social and economic development.

The present report contains information concerning the effective promotion of the provisions of the Declaration as requested in General Assembly resolution 56/162.

I. Introduction

1. The General Assembly, in its resolution 56/162, inter alia, called upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of dispute, to assist in existing or potential situations involving minorities; called upon the United Nations High Commissioner for Human Rights to promote, within his mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments for that purpose, and drew attention to the work of the Working Group on Minorities, as well as to continue efforts to improve the coordination and cooperation among United Nations programmes and agencies on activities related to the promotion and protection of the rights of the persons belonging to minorities and to take the work of relevant regional organizations active in the field of human rights into account in his endeavours; invited the High Commissioner to seek voluntary contributions to facilitate the effective participation, including through training seminars, in the work of the Working Group on Minorities of representatives of non-governmental organizations and persons belonging to minorities, in particular those from developing countries; and requested the Secretary-General to report to the General Assembly at its fifty-eighth session on the implementation of the resolution, and to continue to include examples of good practices in the fields of education and of the effective participation of minorities in decision-making processes. The present report is submitted in compliance with that resolution.

II. Qualified expertise on minority issues made available to Governments, at their request, including on the prevention and resolution of dispute

2. The Office of the United Nations High Commissioner for Human Rights has advanced the regional and subregional approaches, initiated in 2000, to reach out to minority communities and support national and regional activities for the promotion and protection of minority rights. Such initiatives have been designed to utilize better regional and subregional expertise on minority issues. The Working Group on Minorities and the Office of the High Commissioner organized three regional meetings, respectively, in Africa, Central America and Southeast Asia during 2002 (Gaborone, La Ceiba and Chiang Mai). The main purposes of these meetings were to identify priority issues in regions and subregions, raise awareness of the work of the Working Group on Minorities, the work of the Office of the High Commissioner and of international human rights and knowledge on how to use human rights mechanisms, and reach out to communities with a view to involving further minority representatives and grass-roots non-governmental organizations in the Working Group on Minorities and other Office of the High Commissioner-supported activities. These meetings have provided opportunities to regional and national minority experts to further cooperate with the United Nations for the protection and promotion of human rights. The work and role of regional mechanisms, including the African Commission on Human and Peoples' Rights, its newly established Working Group on Indigenous Communities and the Inter-American Commission for Human Rights, were highlighted, including for advancing further cooperation on minority issues with respect to conflict prevention in Africa. Regional mechanisms'

representatives and experts have participated in these meetings and made valuable contribution to strengthening the cooperation between those organizations and the United Nations.

3. The third workshop on multiculturalism in Africa, on the theme "Peaceful and constructive group accommodation in situations involving minorities and indigenous peoples", was held in Gaborone in February 2002. Participants called upon the African Commission on Human and Peoples' Rights to look into the problems of the displacement of minorities and indigenous peoples in the countries affected by conflicts and for the continuation of cooperation between the African Commission and the United Nations human rights bodies. It was also underlined that traditional methods had been maintained by indigenous and minority communities in Africa that could contribute to the peaceful resolution of differences. The full report of the workshop is contained in document E/CN.4/Sub.2/AC.4/2002/4.

4. A regional seminar on Afro-descendants was held in La Ceiba in March 2002. Representatives of the Inter-American Institute for Human Rights and regional non-governmental organizations participated in the meeting. The need to address the root causes of conflict, such as the inequality in power, social exclusion and marginalization of the disadvantaged Afro-descendant communities, was emphasized. To address discrimination and inequality, the implementation of affirmative action was recommended with a view to guaranteeing equitable access to education, employment, housing and health. Participants expressed their specific concerns regarding the current conflict in Colombia, which affects Afro-descendant and indigenous communities; they requested that international and national organizations working to resolve the crisis pay particular attention to this concern. The full report of the seminar is contained in document E/CN.4/Sub.2/AC.4/2002/5.

5. The Office of the High Commissioner organized the first ever subregional seminar on minority rights, on the theme "Cultural diversity and development in Southeast Asia", in Chiang Mai in December 2002. Representatives of national institutions, organizations and communities, as well as Governments of the region, participated in the seminar. The seminar contributed to raising the awareness of minority rights in the region and to understanding the regional specific concerns of minorities, such as the displacement of populations, access to citizenship and the effective participation of minorities in decision-making on matters affecting them. The conclusions and recommendations and the narrative report of the seminar are contained in documents E/CN.4/Sub.2/AC.5/2003/2 and E/CN.4/Sub.2/AC.5/2003/WP.14.

6. During these seminars, participants repeatedly called for greater efforts on the part of the international community to address minority concerns and grievances as frequent causes of conflict; to meet the challenges of ensuring early responses to conflict relating to minorities; and to be involved in the prevention of conflict through the promotion of dialogue between minorities and Governments and through mediation and conciliation. Inequality and imbalances in power were recognized as root causes of conflicts, while the promotion and protection of minority rights were emphasized as measures to assist in reducing tension and preventing conflict. Participants also made reference to the importance of respecting community traditions and the role of community leaders in resolving differences within and between communities. At the Chiang Mai seminar, participants specifically recommended that the Association of South East Asian Nations (ASEAN) encourage its member States to recognize that the protection and

promotion of minority rights is essential for the enhancement of democracy in the ASEAN countries, and consider the establishment at the subregional or country levels of early warning systems for the prevention of violent conflict, emphasizing the notable impact of conflict on the minority and indigenous communities of the region.

7. Furthermore, at its ninth session, in May 2003, the Working Group on Minorities discussed regional approaches for the implementation of the Declaration on Minorities, including the preparation of regional principles or guidelines as tools to strengthening the implementation of international standards on minority protection at regional level. Attention was also drawn to the importance of strengthening cooperation with existing regional mechanisms, and for the establishment of regional mechanisms, where they do not exist, to encourage dialogue among and between Governments and minority groups. In this regard, mention was made of the important advances achieved in Europe through the work of the Office of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE), particularly through the OSCE Office's use of quiet diplomacy regarding minority concerns and dialogues with Governments to solve problems. They also made reference to thematic guidelines or recommendations produced under the auspices of the OSCE Office on education, language and participation matters as they relate to strengthening standards for minorities. At its seventh session, in 2001, the Working Group noted with appreciation the work done by the High Commissioner on National Minorities of OSCE and recommended that the other regional organizations explore the possibility of establishing similar institutions.

8. Concerning the implementation of numerous recommendations adopted in regional seminars and previous sessions of the Working Group, it was highlighted that these recommendations needed to be translated into reality and minorities needed to be provided with effective remedies. In this regard, particular reference was made to the important role of national courts and nationals and human rights institutions.

9. An important part of the national system of protection and promotion of human rights, the role of national institutions, established under the *Paris Principles*, was highlighted. Opinions were also expressed concerning the strong protection mandates of the newer generation of institutions, which can deal with remedial measures through the complaint handling and quasi-juridiciary functions. Representatives of national institutions participated in meetings on minority issues organized by the Working Group and the Office of the United Nations High Commissioner for Human Rights. They focused on the role national institutions could play as early warning mechanisms for conflict prevention that could organize public hearings on minority issues with communities and groups concerned and strengthen the exchange of information with regional and international bodies by providing information on legislations and cases from the highest-level courts relating to minority rights. Minority participants in the ninth session of the Working Group noted with great interest the expertise and role of national institutions in minority protection, and expressed their view that the perceived independence of and trust in such institutions were important in guaranteeing their effective function.

III. Cooperation and coordination among United Nations programmes and agencies, including relevant regional organizations

10. The United Nations and the international community, including regional organizations, have been paying greater attention to the protection and promotion of minorities. With a view to enhancing the cooperation and coordination on minority issues, the Economic and Social Council, in its decision 2000/269, endorsed Commission on Human Rights resolution 2000/52, requesting the organization of an international seminar on this subject. Subsequently, the International Seminar on Cooperation for the Better Protection of the Rights of Minorities was organized by the Office of the United Nations High Commissioner for Human Rights in Durban, South Africa, on 1, 2 and 5 September 2001. Prior to the Durban seminar, a preparatory meeting on the theme "Tackling poverty and discrimination: mainstreaming minority rights in development assistance" was held in July 2001 in London and was attended by over 50 representatives of United Nations bodies and the Working Group on Minorities, multilateral and bilateral development agencies, international non-governmental organizations and community-based minority rights organizations. The recommendations of that meeting were adopted by the Durban seminar.

11. A wide range of representatives of United Nations specialized agencies, human rights treaty bodies, special procedures, international financial institutions, regional human rights mechanisms and national institutions participated in the seminar in Durban. Participants expressed the view that marginalized minority groups required special measures for the protection of their rights and supported the view that the effective participation of minorities in development processes at all stages, from design, implementation to evaluation and benefit-sharing, was essential. At the ninth session of the Working Group in 2003, participants stated that minorities were globally among the poorest of the poor; they therefore should benefit from progress towards the Millennium Developments Goals achieved by Governments and the international community. They called for greater efforts to be made to ensure that minorities benefit fairly from development. To that end, the mainstreaming of minority rights in the implementation of the Goals is extremely important so as to offer benefits to minorities and create more effective and sustainable programmes for fulfilling these goals.

12. The strengthening of cooperation within United Nations treaty bodies and special procedures of the Commission on Human Rights was extensively discussed at the international seminar in Durban and a set of recommendations adopted in this regard. One of the recommendations encouraged those bodies to examine in greater depth the nature, extent and dynamics of discrimination against minorities, and to urge States to collect disaggregated data on gender and ethnicity, thereby facilitating the possibility of assessing the level of enjoyment of human rights by different groups. The participants also recommended institutionalizing cooperation with regional organizations and national human rights institutions to improve the follow-up recommendations by treaty bodies and special procedures. In addition, recommendations supported the systematic sharing of information on best practices and lessons to be learned from the cooperation instituted. The full report of the seminar is contained in document E/CN.4/2002/92.

13. At the ninth session of the Working Group, in May 2003, many representatives of non-governmental organizations drew attention to the importance of governmental compliance not only with the Declaration on Minorities but also with the main human rights treaties to which States were parties. Representatives of non-governmental organizations also made reference to the contents of concluding observations and the need for follow-up to the recommendations they contained, when of relevance to the rights of minorities and where particular Governments had reported under human rights treaties. In their interventions, minority participants sought international support to take action, particularly when the situations they were describing were serious and called for an urgent response. Many also requested action to promote the practical realization of the rights of minorities, including through longer-term solutions to minority problems and the prevention of further violations of minority rights. In this regard, the Working Group reiterated the need to share information with special procedures already in existence, with treaty bodies or with regional mechanisms.

14. The *United Nations Guide for Minorities* was published in 2001 to implement the recommendations of the Working Group and the Commission on Human Rights. It was launched by the United Nations High Commissioner for Human Rights at an international seminar on cooperation for the better protection of the rights of minorities in September 2001. International and regional organizations actively cooperated in preparing the leaflets of the *Guide*, and the English version can also be found at the web site of the Office of the High Commissioner at http://www.unhchr.ch/html/racism/01-minoritiesguide.html. In early 2002, the *Guide* was published in other five United Nations languages and widely distributed. It provides minorities with a comprehensive and useful tool on international standards relating to minority rights protection and practical guidance on how to utilize these mechanisms. The Office of the High Commissioner is taking steps to encourage the translation of the *Guide* into minority languages, thereby increasing its accessibility.

15. The Working Group on Minorities undertook its first country visit to Mauritius from 8 to 10 September 2001, at the invitation of the Government of Mauritius. The objective of the visit was to draw lessons from the experiences of Mauritius with regard to good practices of group accommodation in multicultural society, as well as to explore integrative and autonomous approaches and practices with respect to minority protection, in particular on Rodrigues Island. Following the visit, the Working Group made suggestions and recommendations concerning such issues as the inclusion of the historical and cultural information relating to all communities in school curricula and text books, and the development of further measures to improve the provision of primary schooling in marginalized regions. The Working Group also invited the future local government of the autonomous region of Rodrigues to exercise caution in the elaboration of development projects so as to preserve, respect and develop the island community's cultural identity. The full report of the country mission is contained in document E/CN.4/Sub.2/AC.5/2002/2.

16. The Working Group reiterated its readiness to remain available for country visits to countries where minority situations existed, at the general or specific invitations of Governments concerned. At the ninth session of the Working Group, in May 2003, the Government of Finland issued an official invitation to the Working Group to conduct a country visit to Finland in the course of 2003 with a view to developing the protection of minority rights and make the issue more visible. The Government of Switzerland also made such an offer to the Working Group.

IV. Participation of non-governmental organizations and persons belonging to minorities, in particular those from developing countries, in the Working Group

17. The Office of the United Nations High Commissioner for Human Rights has been implementing the recommendations of the General Assembly and the Commission on Human Rights aimed at facilitating the effective participation of minority representatives in sessions of the Working Group on Minorities and other United Nations meetings on minority issues, and actively seeking voluntary contribution for that purpose. Modest funding has been received, which has enabled several minority representatives from disadvantaged groups in Latin America, Eastern Europe, Asia and Africa to participate in the seventh to ninth sessions of the Working Group in 2001, 2002 and 2003. In addition, the Office of the High Commissioner, with Minority Rights Group International, a non-governmental organization, organized a training workshop on minority rights in May 2003. Minority representatives received training on the United Nations human rights system. Non-governmental organizations shared their experience of advocacy and networking with a view to effectively work with United Nations bodies, in particular the Working Group on Minorities. Non-governmental organizations and minority representatives have been provided with an opportunity to engage in a dialogue with Governments at meetings of the Working Group. The Office of the High Commissioner wishes to continue this programme in 2004.

18. The *United Nations Guide for Minorities* has been used as a basic training tool. Since its publication in 2001, the *Guide* has been utilized in training components of regional meetings, which have provided both substantive and practical guidance for regionally based non-governmental organizations on how to better utilize the United Nations systems to advance the protection of minority rights. A new pamphlet on national institutions is presently under preparation for the inclusion in the *Guide*. It will be aimed at providing minorities with information on how they may work effectively with national institutions in their countries, where they exist, and to explain how national institutions can be engaged in protecting minority rights.

19. The participation of minority representatives of developing countries in the work of the Working Group has also been supported through the organization of regional seminars. At the previously mentioned Gaborone and Chiang Mai seminars, the concepts of "minorities", "ethnic groups", "ethnic minorities" or "indigenous peoples" were thoroughly discussed and acknowledged as complex issues within the African and Asian regions. Other issues of concern identified related to the lack of respect for the principle of self-identification; the absence of recognition of minorities; the lack of respect for the principle of non-discrimination; and a failure within accounts of history to appreciate the contribution of cultural diversity and the pluralism of communities existing in society.

20. At the ninth session, in May 2003, strengthening the Working Group's regional focus was strongly supported by participants, as was the organization of regional meetings for moving the protection and promotion of minority rights forward at the regional level. Appreciation was also expressed for the efforts made by the Working Group to provide a space for dialogue with Governments on minority issues and as a forum drawing on expertise on minority issues for the preparation of useful reports and studies, especially of a thematic nature, including intercultural education,

conflict prevention and development. With the papers prepared for the Working Group and its regional seminars, it is acknowledged that the Working Group has contributed to raising awareness of the complexity of historical developments and current socio-economic interrelationships between different communities in a specific region.

V. Good practices in the fields of education and the effective participation of minorities in decision-making processes

21. The Working Group on Minorities, at its eighth and ninth sessions, continued its discussion on the theme of the participation of minorities in public life. While issues of autonomy and integration with respect to minority situations framed the discussion, attention focused on the protection of their identity and cultures, measures to ensure their effective participation in governance and the promotion of their social and economic well-being and development. In this connection, choice and balance are required between measures designed to promote territorial or functional autonomy for minorities and those designed to promote more effective recognition, representation and integration in a multi-ethnic environment. It was noted that the approach adopted on this broad level had important implications for national policies on governmental structures, equality and non-discrimination, language policy, educational provisions, residential planning and development policies. Moreover, approaches oriented towards autonomy or integration can be considered as complementary rather than exclusive, given the fact that in many cases a combination of measures to promote autonomy at the local level and measures to promoting integration at the national level may be preferred by minorities themselves.

22. To assist the Working Group in clarifying various policy choices, an independent study was carried out and presented at the ninth session of the Working Group (see E/CN.4/Sub.2/AC.5/2003/WP.1). It was based on the analysis of several working papers submitted with a view to drawing together some of the issues which have been raised during recent sessions for their reflection in the preparation of guidelines or code of conduct to be recommended to Governments, regional mechanisms, civil society and all the other regional and national actors involved in minority protection. The latter is an initiative being actively considered by the Working Group. The papers submitted are available on the web site of the Office of the High Commissioner at http://www.unhchr.ch/minorities/ninth.htm. The study aimed at identifying the current socio-economic situation of minorities, their numerical and geographical distribution as well as possible measures to reduce any associated potential for conflict or tension in regions and subregions. The discussion on the paper covered general issues, such as different forms of autonomy and approaches to legislation and practice in particular countries, and addressed problems raised during regional seminars held in Gaborone, La Ceiba, and more recently Chiang Mai.

23. In addition, during sessions of the Working Group and regional seminars, representatives of some autonomous regions of different countries shared their views and experiences concerning the process of designing and implementing autonomy measures. Participants expressed the view that autonomy could be a good practice by which minorities would be able to fully participate in decision-making

processes on matters affecting them. However, they also stressed the importance of effective consultations with and the participation of concerned communities or groups prior to the adoption of any autonomy plan so that all members of community or groups may be duly consulted and included in such processes. With regard to integration, participants stated that, when minorities lived in a multi-ethnic environment, measures for their integration should be applied in accordance with international human rights standards relevant to minority protection, and should guarantee equal access to and effective participation of all members of society in all aspects of public life.

24. The Working Group supported the holding of an international seminar on autonomist and integrationist approaches to minority protection organized by the Danish Center for Human Rights in Copenhagen on 3 and 4 April 2002. The point was made by participants that in many circumstances, there is likely to be a need for a combination of measures for both integration and autonomy. Moreover, resource and budget allocation and administrative support should be adequately provided so as to ensure that measures for autonomy can be effectively implemented.

25. The issue of education was extensively debated at the above-mentioned regional seminars in relation to the participation of minorities in development. Participants emphasized the significance of respecting the cultures and histories of minorities and recognizing the contribution of minorities in the process of building modern States. One of the recommendations in this regard was to review current educational curricula so that it provided learning on the values, histories, languages and cultures of minorities, thereby contributing to mutual understanding between and among minorities and majority. For many minorities, bilingual education and education in their mother tongue was fundamental for the protection and promotion of their identities. A recommendation was made during these seminars for Governments and international development agencies to include the training of minority teachers and employing personnel with local and minority knowledge to design and implement their development plans.

26. Concerning media coverage on minority issues and broadcasting in minority languages, interest from minorities in using media as means to advocate for the protection and promotion of their rights has been advancing. Participants in the La Ceiba and Chiang Mai seminars expressed concerns relating to the stigmatization and stereotyping of minority cultures in some mainstream media, and requested that minority-run media be encouraged. To this end, they recommended that the media highlight positive sides of minority issues so as to contribute to mutual understanding between minorities and majorities. They also encouraged the dissemination of information in minority languages, where possible, in order to raise the profile of disadvantaged and encourage public interest in minority issues.

VI. Conclusions

27. **Acceptance is growing that measures to address the recognition of minorities and their effective participation in public life and to mainstream minority rights in development are essential for conflict prevention, political stability and social justice. The Office of the United Nations High Commissioner for Human Rights is supporting the Working Group's regional approach to minority issues by organizing subregional meetings. It is taking**

steps to draw upon wider regional and national minority expertise with a view to developing possible regional guidelines in consultation with various stakeholders, especially Governments, for the implementation of the Declaration on Minorities. Non-governmental organizations and minority representatives at regional seminars and during meetings of the Working Group have specifically requested the Office of the High Commissioner to provide them with further training on minority rights and how to use existing human rights mechanisms. The Office of the High Commissioner plans to continue building the capacity of civil society to work on minority issues at the national, subregional and regional levels and to use the *United Nations Guide for Minorities* as a basic training tool. Further pamphlets are being considered for inclusion in the *Guide* to draw attention to the work of national human rights institutions and how minority representatives may access such institutions, as well as to better understand the work of regional conflict prevention or resolution mechanisms. With respect to promoting the protection of minority rights, this issue is expected to be further considered by the Commission on Human Rights at its sixtieth session in the light of its request that the High Commissioner report on the effectiveness of existing mechanisms for protecting the rights of persons belonging to minorities with a view to identifying any protection gaps.